

**RULES
OF
THE TENNESSEE DEPARTMENT OF HUMAN SERVICES
CHILD SUPPORT DIVISION**

**CHAPTER 1240-2-2
FORMS FOR WITHHOLDING OF INCOME FOR CHILD SUPPORT**

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1240-2-2-.01 PURPOSE AND SCOPE OF RULES.

- (1) The forms contained in this Chapter relating to the issuance of Orders for the withholding (assignment) of income of obligors of support shall be mandatory forms, pursuant to the provisions of Tennessee Code Annotated, §36-5-501(n), for use by Clerks of all of the various courts of Tennessee which establish and enforce child support orders, and by the Department of Human Services and its contractors.
- (2) These forms may be generated by computer by the Tennessee Child Support Enforcement System (TCSES), as well as individually by the Department, its contractors or by the Clerks of Tennessee courts by word processing or other suitable means, and minor changes in formatting of the information shall not affect the validity of these forms for the purposes intended. Provided, however, that the form entitled Order/Notice to Withhold Income for Child Support is a form required by the United States Department of Health and Human Services and shall remain substantially as it is drafted.
- (3) Forms reproduced for actual transmission to affected persons or entities may also contain highlighting or shading of areas of the forms for easier reading and emphasis of the contents or may contain state logos. Spaces for information indicated on the forms shall be utilized only to the extent applicable in the particular case.

Authority: T.C.A. §§4-5-202, 8-21-403, 36-5-116, 36-5-501, and 71-1-132(c); 42 U.S.C. §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii), 654b(a), and 666(a)(8) and (b); 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100; and United States Department of Health and Human Services Office of Child Support Enforcement Action Transmittal 04-05 (July 15, 2004). **Administrative History:** Original rule filed December 17, 1985; effective January 14, 1986. Amendment filed October 17, 1986; effective January 27, 1987. Amendment filed August 25, 1989; effective October 13, 1989. Repeal and new rule filed December 7, 1994; effective February 20, 1995. Repeal and new rule filed October 14, 1999; effective December 28, 1999. Amendment filed August 17, 2005; effective October 31, 2005.

1240-2-2-.02 DEFINITIONS.

- (1) “Arrearage or “Arrears” means any occasion on which the full amount of support ordered for or on behalf of a minor child, or for a spouse or former spouse of the obligor with whom the child is living to the extent the spousal support would be included for the purposes of 42 USC §654A(4), is not paid

(Rule 1240-2-2-.02, continued)

by the due date for arrears as defined in §36-5-101(a)(5) unless an income assignment is in effect and the payer of income is paying pursuant to subsection T.C.A. §36-5-501(g). Arrears or arrearage may also be known as and referred to in these rules as “past-due” or “overdue” support.

- (2) “Business entity” means any private or public, profit or non-profit organization, association or institution of any kind which produces goods, products, or which performs services of any kind.
- (3) “Child support” or “support” for purposes of this chapter means a judgment, decree, or order, whether temporary, final or subject to modification issued by a court of competent jurisdiction or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the state which issued the order, and shall include the support of a parent with whom the child is living, and which order, judgment or decree provides for monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest, penalties, income withholding, attorneys fees and other relief.
- (4) “Clerk” means, for purposes of this chapter, the official and his or her employees who maintain the court records for any court involving child or spousal support cases and who provide any related services in such cases.
- (5) “Delinquency” or “Delinquent” shall have the same meaning as the terms “arrearage” or “arrears”.
- (6) “Department” means the Tennessee Department of Human Services or its contractors who provide child support services in the courts of Tennessee to the Department as part of the Department’s responsibilities under Title IV-D of the Social Security Act.
- (7) “Employer” means the person, corporation or other business entity who or which engages a person to perform any services for compensation and shall include the federal government, a state government or any political subdivision thereof, and any institution or other business entity which has in its control funds due to be paid to a person who is obligated to pay child support.
- (8) “Income assignment” or “Income withholding” means the process by which the income due or to be paid or credited to an employee or other recipient of income is, for the purpose of paying child or spousal support, directed by an Order/Notice to Withhold Income for Child Support (Order for Income Assignment) to be withheld by the employer or other payer of income pursuant to an original or modified child or spousal support order of the court or an administrative order of the Department of Human Services, its contractor or other Title IV-D child support agency.
- (9) “Obligee” means the person or agency to whom an obligation of child or spousal support is owed by an obligor.
- (10) “Obligor” means the person who owes a duty of support to a child or the child’s parent or caretaker.
- (11) “Order/Notice to Withhold Income for Child Support” means the form promulgated by the United States Department of Health and Human Services (HHS) which is the basic form required by HHS to be utilized for orders for withholding of the income of an employee or other recipient of income both within Tennessee and for issuance to employers or other payers of income to obligors in other states. It is also known as, and may be referred to in these rules as an “Order for Income Assignment” or “Income Assignment”, “Income Assignment Order” or “Assignment”, and shall have the same meaning unless otherwise clearly required by the context.
- (12) “Spousal support” means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children for whom the individual also owes support. Income assignments pursuant to this chapter shall apply to obligations for support of spouses as defined in this Paragraph and in Paragraph (3).

(Rule 1240-2-2-.02, continued)

- (13) “TCSES” means the Tennessee Child Support Enforcement System operated by the Department of Human Services containing data and functions for the recording of child or spousal support data and for collection, distribution, and disbursement of child and spousal support payments.

Authority: T.C.A. §§4-5-202, 36-5-501, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100. **Administrative History:** Original rule filed December 17, 1985; effective January 14, 1986. Amendment filed October 17, 1986; effective January 27, 1987. Amendment filed August 25, 1989; effective October 13, 1989. Repeal and new rule filed December 7, 1994; effective February 20, 1995. Repeal and new rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.03 ISSUANCE OF ORDERS/NOTICES TO WITHHOLD INCOME FOR CHILD SUPPORT (ORDERS FOR INCOME ASSIGNMENT).

- (1) Criteria for Issuance.
- (a) Orders/Notices to Withhold Income for Child Support (Orders for Income Assignment) shall be ordered by the court for any order of child support issued, modified, or enforced on or after July 1, 1994 unless the provisions of T.C.A. §36-5-501(a)(2) apply.
 - (b) The Order for Income Assignment shall be issued by the Clerk of the Court, or by the Department or its contractors in Title IV-D cases, regardless of whether support payments are in arrears on the date of the order and shall include an amount sufficient to satisfy an accumulated arrearage, if any, within a reasonable time.
 - (c) When any Orders/Notices to Withhold Income for Child Support (Orders for Income Assignment) are issued, for purposes of calculating any arrears, it shall be rebuttably presumed that one-half of the amount payable for current support shall be a reasonable amount which should be ordered for making a reduction of an arrearage.
 - (d) The Order for Income Assignment may include an amount to pay medical expenses which the obligor is obligated or ordered to pay.
 - (e) The amount withheld shall not exceed fifty percent (50%) of the obligor’s income after FICA, withholding taxes, and a health insurance premium which covers the child are deducted.
 - (f) The order shall include an amount necessary to cover the fee due the clerk or the Department, as appropriate. Clerks or the Department may issue an Order for Income Assignment to recover court costs or fees which the obligor fails to pay.
- (2) In all cases in which the court has ordered immediate income assignment, the Clerk of the court, or the Department of Human Services or its contractor in Title IV-D support cases, shall within two (2) business days issue an Order for Income Assignment as described in 1240-2-2-.04 to an employer once the employer of a support obligor is identified.
- (3) No order of the court shall be necessary to issue an Order for Income Assignment in circumstances where no previous Order for Income Assignment has issued or in circumstances in which the obligor of child support was not subject to an income assignment pursuant to the provisions of T.C.A. §36-5-501(a)(2), and the records of the court or the Department show the obligor to be in arrears as defined in T.C.A. §36-5-101(a)(5) and T.C.A. §36-5-501(b)(1)(G).
- (4) If the support payments were previously ordered paid directly to the custodial parent, guardian or other caretaker of the child, and the obligor is in arrears as defined in T.C.A. §36-5-101(a)(5) and T.C.A. §

(Rule 1240-2-2-.03, continued)

36-5-501(b)(1)(G), the custodial parent, guardian or custodian may complete an Affidavit of Arrearage pursuant to 1240-2-2-.11 to request the issuance of an Order for Income Assignment by, respectively, the Clerk or the Department of Human Services. No order of the court shall be necessary for the issuance of an Order/Notice to Withhold Income for Child Support (Order for Income Assignment) pursuant to this paragraph.

- (5) Income Assignment Orders Issued by the Clerk in Non-Title IV-D Cases.
 - (a) When an order of income assignment is issued by the clerk of the court in non-Title IV-D cases, and if the obligor requests a hearing pursuant to T.C.A. §36-5-501(c)(1) regarding the withholding within fifteen (15) days of the date of the notice, or the date of personal service, if used, the clerk shall promptly docket the case with the referee or court as provided by Tennessee Code Annotated, Title 36, Chapter 5, Part 4 and shall give notice to all parties, and shall take any other action as is necessary to ensure that the court meets the time frame in subparagraph (b).
 - (b) In all cases in which the obligor requests a hearing, the referee or court shall conduct a hearing and make a determination, and the clerk shall notify the obligor and the employer of the decision of the court or referee within forty-five (45) days of the date of the issuance of the income assignment order.
- (6) Transmission of Orders and Notices.
 - (a) The notices and orders required to be issued pursuant to this Chapter shall be transmitted to any employer of an obligor and to obligors by any method chosen by the Court or the Department, including but not limited to: certified mail, return receipt requested; regular mail; electronic mail; facsimile transmission; or by personal service, and may be generated by computer or on paper. If a notice or order is returned or otherwise not deliverable, then service shall be had by any alternative method chosen by the Court or the Department, as described in the preceding sentence.
 - (b) In all cases in which an immediate assignment of income has not been previously ordered, or in which an obligor who is ordered to pay child support in which either an immediate income assignment was not required by the Court due to good cause provisions as found by the court, or in which there is a written agreement by the parties for alternative payment arrangements, the Notice of Income Assignment required by this Chapter to be sent to an obligor shall be issued within two (2) business days of the date the Order of Income Assignment is sent to the employer. The notice must be sent to the address of the obligor, if known, or to the obligor at the address of the employer of the obligor if the obligor's employer's address is unknown.
 - (c) The notices and orders required by this chapter need not be entered in the minutes of the court, but shall be in the records of the case in the Court when an income assignment is issued.
 - (d) Before taking action against an employer or other payer of income for failure to comply with this part, the Court or Department or its contractor shall ensure that service of the notice and order was made by certified mail, return receipt requested, or by personal service.
 - (e) Electronically reproduced signatures, if necessary, shall be effective to issue any orders or notices pursuant to this Chapter.
- (7) Proof of mailing the Orders for Income Assignment and notices sent by the Department or its contractors shall be evidenced by a screen print from the TCSES computer system showing the date of mailing which shall be prima facie evidence of the date of mailing.

(Rule 1240-2-2-.03, continued)

- (8) The local Title IV-D child support office will be responsible for defending all administrative appeals of any such orders in Title IV-D support cases and appeals filed pursuant to T.C.A. §36-5-1003.

Authority: T.C.A. §§4-5-202, 36-5-501, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100. **Administrative History:** Original rule filed December 17, 1985; effective January 14, 1986. Amendment filed October 17, 1986; effective January 27, 1987. Amendment filed August 25, 1989; effective October 13, 1989. Repeal and new rule filed December 7, 1994; effective February 20, 1995. Repeal and new rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.04 ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT (ORDER FOR INCOME ASSIGNMENT).

- (1) Required Uses.
- (a) The form in Paragraph (7), the “Order/Notice to Withhold Income for Child Support” (Order for Income Assignment), is required by the United States Department of Health and Human Services (HHS) to be used for income withholding. It shall be used in intrastate and interstate cases.
 - (b) It shall be used by the Clerk of the Court and by the Department of Human Services or its contractor for the purpose of directing an employer or other payer of income who or which has income payable to an obligor of support to withhold income from that obligor to comply with an initial order of the court.
 - (c) It shall be used by the Department or its contractors to indicate to the employer/payer of income that the Order/Notice to Withhold Income for Child Support (Order for Income Assignment) has been modified so that the newly ordered amounts will be substituted in place of the previously ordered amounts or to recover any fees or costs as allowed by law;
 - (d) It shall be used by the court clerk or the Department to denote the termination of an income assignment as indicated on the form;
 - (e) It shall be used only by the Department to notify the obligor of enrollment, pursuant to T.C.A. §36-5-101(f), of the obligor’s children, in employer-provided family health care coverage following a change of employers by the obligor; and
 - (f) It shall be used to notify the entity withholding the income of the obligor of any other changes to the processing of the payments withheld including, but not limited to, a change in payment location, frequency of payment, or other processing data.
- (2) This form shall also be issued by the Clerk of the Court, or by the Department of Human Services or its contractor, in any cases where no income assignment had been previously ordered, but the Clerk’s records, or those of the Department of Human Services, show that the obligor is in arrears. No Affidavit of Arrearage pursuant to 1240-2-2-.11 is required in these circumstances. No order of the court expressly authorizing the issuance of such Order shall be required.
- (3) This form shall also be issued in circumstances when an income assignment had not previously been issued, payments had been made directly to the obligee, and an obligee completes an Affidavit of Arrears pursuant to 1240-2-2-.11 stating that the obligor is in arrears for support, or in circumstances where an Assignment had not issued due to the provisions of T.C.A. §36-5-501(a)(2), but the obligor is now in arrears. No order of the court expressly authorizing the issuance of such Order shall be required.

(Rule 1240-2-2-.04, continued)

- (4) This form may also be used by the Clerk or the Department to recover fees or costs.
- (5) Child Support Payment Locations.
 - (a) In all cases in which the initial order requiring that child support be paid was issued in a non-Title IV-D case prior to January 1, 1994, the payments withheld by the employer or other payer of income shall be made to the Court Clerk of the Court having jurisdiction of the case at the time of the issuance of the Order/Notice to Withhold Income for Child Support (Order for Income Assignment).
 - (b) All other payments for child support being withheld by the employer or other payer of income pursuant to the Order/Notice to Withhold Income for Child Support (Order for Income Assignment) shall be made to the Department's centralized collection system for child support collections as required by T.C.A. § 36-5-116 and 42 U.S.C. § 654b(a).
- (6) The form in Paragraph (7), which has numbered spaces corresponding to the attached set of instructions for its use, has been issued by the Office of Child Support Enforcement (OCSE) of the United States Department of Health and Human Services. A blank form which is to be used as required in Paragraph (1) is included in Paragraph (8) for the user's convenience.

(Rule 1240-2-2-.04, continued)

(7) Form:

1a ☐ ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT☐ NOTICE OF AN ORDER TO WITHHOLD INCOME FOR CHILD SUPPORT

<input type="checkbox"/> Original	<input type="checkbox"/> Amended	<input type="checkbox"/> Termination #1b	Date: #1c
<input type="checkbox"/> State/Tribe/Territory		#1d	
City/Co./Dist./Reservation		#1e	
<input type="checkbox"/> Non-governmental entity or Individual		#1f	
Case Number		#1g	
#2a			
Employer's/Withholder's Name		RE: #3a	
#2b		Employee's/Obligor's Name (Last, First, MI)	
Employer's/Withholder's Address		#3b	
#2c		Employee's/Obligor's Social Security Number	
		#3c	
		Employee's/Obligor's Case Identifier	
#2d		#3d	
Employer's/Withholder's Federal EIN Number (if known)		Obligee's Name (Last, First, MI)	

ORDER INFORMATION: This document is based on the support or withholding order from State/Tribe #4.

You are required by law to deduct these amounts from the employee's/obligor's income until further notice.

\$ # 5a	Per # 5b	current child support	#13
\$ # 6a	Per # 6b	past-due child support - Arrears greater than 12 weeks?	<input type="checkbox"/> yes <input type="checkbox"/> no
\$ # 7a	Per # 7b	current cash medical support	
\$ # 8a	Per # 8b	past-due cash medical support	
\$ # 9a	Per # 9b	spousal support	
\$ # 10a	Per # 10b	past-due spousal support	
\$ # 11a	Per # 11b	other (specify)	#11c
for a total of \$ #12a		per #12b	to be forwarded to the payee below.

You do not have to vary your pay cycle to be in compliance with the support order. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$ # 14a per weekly pay period.	\$ # 14c per semimonthly pay period (twice a month).
\$ # 14b per biweekly pay period (every two weeks).	\$ # 14d per monthly pay period.

REMITTANCE INFORMATION: When remitting payment, provide the pay date/date of withholding and the case identifier. If the employee's/obligor's principal place of employment is #15, begin withholding no later than the first pay period occurring #16 days after the date of #17. Send payment within #18 working days of the pay date/date of withholding. The total withheld amount, including your fee, may not exceed #19 % of the employee's/obligor's aggregate disposable weekly earnings.If the employee's/obligor's principal place of employment is not #20, for limitations on withholding, applicable time requirements, and any allowable employer fees, follow the laws and procedures of the employee's/obligor's principal place of employment (see #3 and #9, ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS).

Make check payable to: #21(Payee and Case identifier)	Send check to: #22
If remitting payment by EFT/EDI, call #23a	before first submission. Use this FIPS code: #23b
Bank routing number: #23c	Bank account number: #23d
If this is an Order/Notice to Withhold:	If this is a Notice of an Order to Withhold:
24a Print Name	25a Print Name
24b Title of Issuing Official <u>Mandatory</u>	25b Title (if appropriate)
24c Signature and Date (if required by state or tribal law)	25c Signature and Date
24d <input type="checkbox"/> IV-D Agency <input type="checkbox"/> Court	25d <input type="checkbox"/> Attorney <input type="checkbox"/> Individual <input type="checkbox"/> Private Entity
24e <input type="checkbox"/> Attorney with authority under state law to issue order/notice.	

NOTE: Non-IV-D Attorneys, individuals, and non-governmental entities must submit a Notice of an Order to Withhold and include a copy of the income withholding order unless, under a state's law, an attorney in that state may issue an income withholding order. In that case, the attorney may submit an Order/Notice to Withhold and include a copy of the state law authorizing the attorney to issue an income withholding order/notice.**IMPORTANT:** The person completing this form is advised that the information on this form may be shared with the obligor.

OMB 0970-0154

(Rule 1240-2-2-.04, continued)

ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS

- #26 ☐ If checked, you are required to provide a copy of this form to your employee/obligor. If your employee works in a state that is different from the state that issued this order, a copy must be provided to your employee/obligor even if the box is not checked.
1. Priority: Withholding under this Order or Notice has priority over any other legal process under state law (or tribal law, if applicable) against the same income. If there are federal tax levies in effect, please notify the contact person listed below. (See 10 below.)
 2. Combining Payments: You may combine withheld amounts from more than one employee's/obligor's income in a single payment to each agency/party requesting withholding. You must, however, separately identify the portion of the single payment that is attributable to each employee/obligor.
 3. Reporting the Paydate/Date of Withholding: You must report the paydate/date of withholding when sending the payment. The paydate/date of withholding is the date on which the amount was withheld from the employee's wages. You must comply with the law of the state of employee's/obligor's principal place of employment with respect to the time periods within which you must implement the withholding and forward the support payments.
 4. Employee/Obligor with Multiple Support Withholdings: If there is more than one Order or Notice against this employee/obligor and you are unable to honor all support Orders or Notices due to federal, state, or tribal withholding limits, you must follow the state or tribal law/procedure of the employee's/obligor's principal place of employment. You must honor all Orders or Notices to the greatest extent possible. (See 9 below.)
 5. Termination Notification: You must promptly notify the Child Support Enforcement (IV-D) Agency and/or the contact person listed below when the employee/obligor no longer works for you. Please provide the information requested and return a complete copy of this Order or Notice to the Child Support Enforcement (IV-D) Agency and/or the contact person listed below. (See 10 below.)
 THE EMPLOYEE/OBLIGOR NO LONGER WORKS FOR: _____
 EMPLOYEE'S/OBLIGOR'S NAME: _____ CASE IDENTIFIER: _____
 DATE OF SEPARATION FROM EMPLOYMENT: _____
 LAST KNOWN HOME ADDRESS: _____
 NEW EMPLOYER/ADDRESS: _____
 6. Lump Sum Payments: You may be required to report and withhold from lump sum payments such as bonuses, commissions, or severance pay. If you have any questions about lump sum payments, contact the Child Support Enforcement (IV-D) Agency.
 7. Liability: If you have any doubts about the validity of the Order or Notice, contact the agency or person listed below under 10. If you fail to withhold income as the Order or Notice directs, you are liable for both the accumulated amount you should have withheld from the employee's/obligor's income and any other penalties set by state or tribal law/procedure.
 #27 _____

 8. Anti-discrimination: You are subject to a fine determined under state or tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against any employee/obligor because of a child support withholding.
 #28 _____

 9. Withholding Limits: For state orders, you may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C. § 1673(b)); or 2) the amounts allowed by the state of the employee's/obligor's principal place of employment. The federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as: state, federal, local taxes, Social Security taxes, statutory pension contributions, and Medicare taxes. The Federal CCPA limit is 50% of the ADWE for child support and alimony, which is increased by 1) 10% if the employee does not support a second family; and/or 2) 5% if arrears greater than 12 weeks.
 For tribal orders, you may not withhold more than the amounts allowed under the law of the issuing tribe. For tribal employers who receive a state order, you may not withhold more than the amounts allowed under the law of the state that issued the order.
 Child(ren)'s Names and Additional Information: #29 _____

- Tennessee Employers/Payers of Income should refer to the Department's Rule 1240-2-2-.05, available on the Internet at <http://www.state.tn.us/sos/rules/1240/1240-02/1240-02-02.pdf>, for state specific information about the priority and proration of payments if multiple Orders/Notices are received for one employee.
10. If you or your employee/obligor have any questions, contact #30a by telephone at #30b by Fax at #30c or by internet at #30d.

(Rule 1240-2-2-.04, continued)

Instructions to complete the Order/Notice to Withhold Income for Child Support
or Notice of an Order to Withhold Income for Child Support

The Order/Notice to Withhold Income for Child Support (Order/Notice) or Notice of an Order to Withhold Income for Child Support (Notice) is a standardized form used for income withholding in tribal, intrastate, interstate, and intergovernmental cases. Please note that information provided on this form may be shared with the obligor. When completing the form, please include the following information.

The following information 1a – 1g refers to the government agency, non-government entity, or individual completing and sending this form to the employer.

1a. Check whether this is an Order/Notice to Withhold Income for Child Support or a Notice of an Order to Withhold Income for Child Support. Attorneys, individuals, and non-governmental entities must submit a Notice of an Order to Withhold and include a copy of the income withholding order unless, under a state's law, an attorney in that state may issue an income withholding order/notice. In that case, the attorney may submit an Order/Notice to Withhold and include a copy of the state law authorizing the attorney to issue an income withholding order/notice.

1b. Check the appropriate status of the Order or Notice.

1c. Date this form is completed and/or signed.

1d. Name of the state, tribe or territory sending this form. This must be a governmental entity.

1e. Name of the county, city, district, or reservation sending this Order or Notice, if appropriate. This must be a governmental entity.

1f. Check and indicate the non-governmental entity or individual sending this Order or Notice. Complete this item only if a non-governmental entity or individual is submitting this Order or Notice.

1g. Identifying case number used by the entity or individual sending this Order or Notice. In a IV-D case, this must be the IV-D case number.

The following information in 2 and 3 refers to the obligor, obligor's employer, and case identification.

2a. Employer's/Withholder's name.

2b-c. Employer's/Withholder's mailing address, city, and state. (This may differ from the Employee's/Obligor's work site.)

2d. Employer's/Withholder's nine-digit federal employer identification number (if available). Include three-digit location code.

3a. Employee's/Obligor's last name, first name, and middle initial.

3b. Employee's/Obligor's Social Security Number (if known).

3c. The case identifier used by the order issuing state or tribe for recording payments. (Should be the same as #21.) In a IV-D case, this must be the IV-D case number.

3d. Custodial Parent's last name, first name, and middle initial (if known).

ORDER INFORMATION - The following information in 4 -14e refers to the dollar amounts taken directly from the child support order.

(Rule 1240-2-2-.04, continued)

4. Name of the state or tribe that issued the support order.

5a-b. Dollar amount to be withheld for payment of current child support, time period that corresponds to the amount in #6a (such as month, week, etc.).

6a-b. Dollar amount to be withheld for payment of past-due child support, time period that corresponds to the amount in #6a (such as month, week, etc.).

7a-b. Dollar amount to be withheld for payment of current cash medical support, as appropriate, based on the underlying order, time period that corresponds to the amount in #7a (such as month, week, etc.).

8a-b. Dollar amount to be withheld for payment of past-due cash medical support, if appropriate, based on the underlying order and the time period that corresponds to the amount in #8a (such as month, week, etc.).

9a-b. Dollar amount to be withheld for payment of spousal support (alimony), if appropriate, based on the underlying order, time period that corresponds to the amount in #9a (such as month, week, etc.).

10a-b. Dollar amount to be withheld for payment of past-due spousal support (alimony), if appropriate, based on the underlying order, time period that corresponds to the amount in #10a (such as month, week, etc.).

11a-c. Dollar amount to be withheld for payment of miscellaneous obligations, if appropriate, based on the underlying order, time period that corresponds to the amount in #11a (e.g., month, week, etc.), and description of the miscellaneous obligation.

12a. Total of #5a, #6a, #7a, #8a, #9a, #10a, and # 11a.

12b. Time period that corresponds to the amount in #12a (e.g., month).

13. Check this box if arrears greater than 12 weeks.

14a. Amount an employer should withhold if the employee is paid weekly.

14b. Amount an employer should withhold if the employee is paid every two weeks.

14c. Amount an employer should withhold if the employee is paid twice a month.

14d. Amount an employer should withhold if the employee is paid once a month.

REMITTANCE INFORMATION

15. The state, tribe, or territory from which this Order/Notice or Notice of an Order is sent.

16. Number of days in which the withholding must begin pursuant to the issuing state's or tribe's laws/procedures.

17. The effective date of the income withholding.

18. Number of working days within which an employer or other withholder of income must remit amounts withheld pursuant to the issuing state's law.

19. The percentage of income that may be withheld from the employee's/obligor's income. For state orders, you may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C. § 1673(b)); or 2) the amounts allowed by the state of the employee's/obligor's principal place of employment. The federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net

(Rule 1240-2-2-.04, continued)

income left after making mandatory deductions such as: state, federal, local taxes, Social Security taxes, statutory pension contributions, and Medicare taxes.

For tribal orders, you may not withhold more than the amounts allowed under the law of the issuing tribe. For tribal employers who receive a state order, you may not withhold more than the amounts allowed under the law of the state that issued the order.

20. The state, tribe, or territory from which the Order or Notice is sent.

21. Name of the State Disbursement Unit, individual, tribunal/court, or tribal child support enforcement agency specified in the underlying income withholding order to which payments are required to be sent. This form may not indicate a location other than that specified by an entity authorized under state or tribal law to issue an income withholding order. Please include the case identifier used to record payment (should be the same as 3c). In a IV-D case, this must be the IV-D case number.

22. Address of the State Disbursement Unit, tribunal/court, tribal child support enforcement agency, or individual identified in #21. This information is shared with the obligor. Be sure to safeguard confidential addresses.

Complete only for EFT/EDI transmission.

23a. Telephone number of contact to provide EFT/EDI instructions.

23b. Federal Information Process Standard (FIPS) code for transmitting payments through EFT/EDI. The FIPS code is five characters that identify the state, county or tribe. It is seven characters when it identifies the state, county, and a location within the county. It is necessary for centralized collections.

23c. Receiving agency's bank routing number.

23d. Receiving agency's bank account number.

IV-D agencies, courts, and attorneys (with authority to issue an income withholding order/notice) sending an Order/Notice to Withhold Income for Child Support must complete 24a-e.

24a. Print name of the government official authorizing this Order or Notice to Withhold.

24b. Print title of the government official authorizing this Order or Notice to Withhold.

24c. Signature of Government Official authorizing this Order/Notice to Withhold and date of signature. This line may be optional only if the Withholding Order/Notice includes the name and title of a government official (line 24a, 24b) and a signature of the official (line 24c) is not required by state or tribal law. Provide a signature if required by state or tribal law.

24d. Check the appropriate box to indicate whether a child support enforcement agency (IV-D) or court is authorizing this Order or Notice for withholding.

24e. Check the box if you are an attorney with authority to issue an order or notice under state law.

Attorneys, individuals, and private entities sending a Notice of an Order to Withhold Income for Child Support complete 25a-d.

25a. Print name of the individual or entity sending this Notice.

25b. Print title of the individual sending this Notice, if appropriate

(Rule 1240-2-2-.04, continued)

25c. Signature of the individual sending this Notice and date of signature.

25d. Please check the appropriate box to indicate whether you are an attorney, individual, or private entity sending this Notice of an Order.

The following information refers to federal, state, or tribal laws that apply to issuing an income withholding order/notice or notice of an order to the employer. Any state or tribal specific information may be included in space provided.

26. Check the box if the state or tribal law requires the employer to provide a copy of the Order or Notice to the employee.

27. Use this space to provide additional information on the penalty and/or citation for an employer who fails to comply with the Order or Notice. The law of the obligor's principal place of employment governs the penalty.

28. Use this space to provide additional information on the penalty and/or citation for an employer, who discharges, refuses to employ, or disciplines an employee/obligor as a result of the Order or Notice. The law of the obligor's principal place of employment governs the penalty.

29. Use this space to provide the child (ren)'s names listed in the support order and/or additional information regarding this income withholding Order or Notice of an Order.

Please provide the following contact information to the employer. Employers may need additional information to process the Order or Notice.

30a. Name of the contact person sending the Order or Notice of an Order that an employer and/or employee/obligor may call for information regarding the Order or Notice of an Order.

30b. Telephone number for the contact person whose name appears in #30a.

30c. Fax number for the person whose name appears in #30a.

30d. Internet address for the person whose name appears in #30a.

If the employer is a Federal Government agency, the following instructions apply.

■ Serve the Order or Notice of an Order upon the governmental agent listed in 5 CFR part 581, appendix A.

■ Sufficient identifying information must be provided in order for the obligor to be identified. It is, therefore, recommended that the following information, if known and if applicable, be provided:

■ Full name of the obligor; (2) date of birth; (3) employment number, Department of Veterans Affairs claim number, or civil service retirement claim number; (4) component of the government entity for which the obligor works, and the official duty station or worksite; and (5) status of the obligor, e.g., employee, former employee, or annuitant.

■ You may withhold from a variety of incomes and forms of payment, including voluntary separation incentive payments (buy-out payments), incentive pay, and cash awards. For a more complete list see 5 CFR 581.103.

The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 45 CFR 303.100 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing. Public reporting burden for this collection of information is estimated to average one hour per response. The responses to this collection are mandatory in accordance with 45 CFR 303.7. This information is subject to State

(Rule 1240-2-2-.04, continued)

and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding State and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

- (8) The following blank form is for the user's convenience:

(Rule 1240-2-2-.04, continued)

☐ ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT☐ NOTICE OF AN ORDER TO WITHHOLD INCOME FOR CHILD SUPPORT☐ ORIGINAL ☐ AMENDED ☐ TERMINATION

Date: _____

State/Tribe/Territory _____
 City/Co./Dist./Reservation _____
☐ Non-governmental entity or Individual _____
 Case Number /

_____ Employer's/Withholder's Name	RE: _____ Employee's/Obligor's Name (Last, First, MI)
_____ Employer's/Withholder's Address	_____ Employee's/Obligor's Social Security Number
_____ 	_____ Employee's/Obligor's Case Identifier
_____ Employer's/Withholder's Federal EIN Number (if known)	_____ Obligee's Name (Last, First, MI)

ORDER INFORMATION: This document is based on the support or withholding order from _____.

You are required by law to deduct these amounts from the employee's/obligor's income until further notice.

\$ _____ Per _____ current child support
 \$ _____ Per _____ Past-due child support – Arrears greater than 12 weeks? ☐ yes ☐ no
 \$ _____ Per _____ current cash medical support
 \$ _____ Per _____ past-due cash medical support
 \$ _____ Per _____ spousal support
 \$ _____ Per _____ past-due spousal support
 \$ _____ Per _____ other (specify) _____

for a total of \$ _____ per _____ to be forwarded to the payee below.

You do not have to vary your pay cycle to be in compliance with the support order. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$ _____ per weekly pay period. \$ _____ per semimonthly pay period (twice a month).
 \$ _____ per biweekly pay period (every two weeks). \$ _____ per monthly pay period.

REMITTANCE INFORMATION: When remitting payment, provide the pay date/date of withholding and the case identifier. If the employee's/obligor's principal place of employment is Tennessee, begin withholding no later than the first pay period occurring 14 working days after the date of _____. Send payment within 7 working days of the pay date/date of withholding. The total withheld amount, including your fee, may not exceed 50% of the employee's/obligor's aggregate disposable weekly earnings.

If the employee's/obligor's principal place of employment is not Tennessee, for limitations on withholding, applicable time requirements, and any allowable employer fees, follow the laws and procedures of the employee's/obligor's principal place of employment (see #3 and # 9, ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS).

Make check payable to: _____ Send check to: _____
 If remitting payment by EFT/EDI, call _____ before first submission. _____
 Use this FIPS code: _____ Bank routing number: _____ Bank account number: _____

If this is an Order/Notice to Withhold:
 Print Name _____
 Title of Issuing Official _____
 Signature _____
 Date _____
☐ IV-D Agency ☐ Court ☐ Attorney ☐ Individual
☐ Attorney with authority under state law to issue order/notice

If this is a Notice of an Order to Withhold:
 Print Name _____
 Title (if appropriate) _____
 Signature _____
 Date _____
☐ Private Entity

NOTE: Non-IV-D Attorneys, individuals, and non-governmental entities must submit a Notice of an Order to Withhold and include a copy of the income withholding order unless, under a state's law, an attorney in that state may issue an income withholding order. In that case, the attorney may submit an Order/Notice to Withhold and include a copy of the state law authorizing the attorney to issue an income withholding order/notice.

IMPORTANT: The person completing this form is advised that the information on this form may be shared with the obligor.

OMB 0970-0154

(Rule 1240-2-2-.04, continued)

ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS

☐ If checked, you are required to provide a copy of this form to your employee/obligor. If your employee works in a state that is different from the state that issued this order, a copy must be provided to your employee/obligor even if the box is not checked.

1. **Priority:** Withholding under this Order or Notice has priority over any other legal process under state law (or tribal law, if applicable) against the same income. If there are federal tax levies in effect, please notify the contact person listed below. (See 10 below.)
2. **Combining Payments:** You may combine withheld amounts from more than one employee's/obligor's income in a single payment to each agency/party requesting withholding. You must, however, separately identify the portion of the single payment that is attributable to each employee/obligor.
3. **Reporting the Paydate/Date of Withholding:** You must report the paydate/date of withholding when sending the payment. The paydate/date of withholding is the date on which the amount was withheld from the employee's wages. You must comply with the law of the state of the employee's/obligor's principal place of employment with respect to the time periods within which you must implement the withholding and forward the support payments.
4. **Employee/Obligor with Multiple Support Withholdings:** If there is more than one Order or Notice against this employee/obligor and you are unable to honor all support Orders or Notices due to federal, state, or tribal withholding limits, you must follow the state or tribal law/procedure of the employee's/obligor's principal place of employment. You must honor all Orders or Notices to the greatest extent possible. (see 9 below.)
5. **Termination Notification:** You must promptly notify the Child Support Enforcement (IV-D) Agency and/or the contact person listed below when the employee/obligor no longer works for you. Please provide the information requested and return a complete copy of this Order or Notice to the Child Support Enforcement (IV-D) Agency and/or the contact person listed below. (See 10 below.)

THE EMPLOYEE/OBLIGOR NO LONGER WORKS FOR: _____

EMPLOYEE'S/OBLIGOR'S NAME: _____

CASE IDENTIFIER: _____

DATE OF SEPARATION FROM EMPLOYMENT: _____

LAST KNOWN HOME ADDRESS: _____

NEW EMPLOYER/ADDRESS: _____

6. **Lump Sum Payments:** You may be required to report and withhold from lump sum payments such as bonuses, commissions, or severance pay. If you have any questions about lump sum payments, contact the Child Support Enforcement (IV-D) Agency.
7. **Liability:** If you have any doubts about the validity of the Order or Notice, contact the agency or person listed below under 10. If you fail to withhold income as the Order or Notice directs, you are liable for both the accumulated amount you should have withheld from the employee's/obligor's income and any other penalties set by state or tribal law/procedure.

8. **Anti-discrimination:** You are subject to a fine determined under state or tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against any employee/obligor because of a child support withholding.

9. **Withholding Limits:** For state orders, you may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C. §1673(b)); or 2) the amounts allowed by the state of the employee's/obligor's principal place of employment. The federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as: state, federal, local taxes, Social Security taxes, statutory pension contributions, and Medicare taxes. The Federal CCPA limit is 50% of the ADWE for child support and alimony, which is increased by 1) 10% if the employee does not support a second family; and/or 2) 5% if arrears greater than 12 weeks.

For tribal orders, you may not withhold more than the amounts allowed under the law of the issuing tribe. For tribal employers who receive a state order, you may not withhold more than the amounts allowed under the law of the state that issued the order.

Child(ren)'s Names and Additional Information: _____

Tennessee Employers/Payers of Income should refer to the Department's Rule 1240-2-2-.05, available on the Internet at <http://www.state.tn.us/sos/rules/1240/1240-02/1240-02-02.pdf>, for state specific information about the priority and proration of payments if multiple Orders/Notices are received for one employee.

10. If you or your employee/obligor have any questions, contact: _____ by telephone at _____
by Fax at _____ or by Internet at _____@_____

(Rule 1240-2-2-.04, continued)

Authority: T.C.A. §§4-5-202, 8-21-403, 36-5-116, 36-5-501, and 71-1-132(c); 42 U.S.C. §§651 *et seq.*, 42 U.S.C. §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii), 654b(a), and 666(a)(8) and (b); 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100; and United States Department of Health and Human Services Office of Child Support Enforcement Action Transmittal 04-05 (July 15, 2004). **Administrative History:** Original rule filed December 17, 1985; effective January 14, 1986. Amendment filed October 17, 1986; effective January 27, 1987. Amendment filed August 25, 1989; effective October 13, 1989. Repeal and new rule filed December 7, 1994; effective February 20, 1995. Repeal and new rule filed October 14, 1999; effective December 28, 1999. Public necessity rule filed May 20, 2005; effective through November 1, 2005. Amendments filed August 17, 2005; effective October 31, 2005.

1240-2-2-.05 INFORMATION FOR WITHHOLDING BY TENNESSEE EMPLOYERS/PAYERS OF INCOME.

- (1) The Order/Notice to Withhold Income for Child Support, also referred to as an Order for Income Assignment, Income Assignment, Income Assignment Order, or Assignment, must be implemented no later than fourteen (14) calendar days after the date noted at the top-left portion of that form, the date of personal service, or the other date of any other form of transmission of this notice.
- (2) The payments may be deducted from the employee's or income recipient's wages, or other income, either weekly, biweekly, or monthly to coincide with his/her pay periods or other periods for payment of income, but must be sent to the address shown on page 1 of that Order within seven (7) days of the date the employee or income recipient is paid along with the date the deduction was made.
- (3) "Employer, person, corporation or institution," who or which may be required to withhold income, includes the federal government, the State and any political subdivision thereof and any other business entity which has in its control funds due to be paid to a person who is obligated to pay child support.
- (4) The amount withheld for support may not be in excess of fifty percent (50%) of the net wages of an employee or other income due an income recipient after the deduction of FICA, withholding taxes, and health insurance premiums which cover the child(ren).
- (5) This Order for Income Assignment is binding upon you until further notice by this office. If you fail to withhold income in accordance with the provisions of this Order, you are liable for any amount up to the accumulated amount which should have been withheld from the income of the employee or income recipient. Your compliance with this Order shall operate as a discharge of your liability to the affected employee or other recipient of income as to that portion of the employee's or recipient's income affected by the Order.
- (6) Tennessee Code Annotated §36-5-501(h) provides that the employer, person, corporation, or institution that is ordered to comply with this order shall be subject to a fine for a Class C misdemeanor if the income assignment is used as a basis to refuse to employ a person or to discharge the employee or for any disciplinary action against the employee, or if the employer fails to withhold the amounts from the employee or fails to pay such amount to the Clerk of the Court or the Department of Human Services as may be directed by the Order.
- (7) Withholding of support in accordance with this notice shall have priority over any other legal process under state law against the same wages or other income for debts other than child support.
- (8) If you are unable to deduct the full amount specified in this order due to the fifty percent (50%) limitation, the payment should also specify, for each obligor, the individual's income after taxes, FICA, health insurance premiums deducted to cover the child (ren), and whether you have received prior Orders for Income Assignment which prevent you from fully complying with this order.

(Rule 1240-2-2-.05, continued)

- (9) You may, at your discretion, charge the employee or other recipient of income an amount of up to five percent (5%), not to exceed five dollars (\$5) per month, for your costs in complying with this order. This amount could vary upward depending on changes in the law at T.C.A. §36-5-501.
- (10) If you are required to withhold support from more than one person, it is allowable to combine withheld amounts in a single payment to each appropriate court or other entity ordering the assignments; however, you must provide a listing indicating which portion of the single payment is attributable to each individual.
- (11) The date the support was deducted from the obligor's paycheck must be provided with each payment transmitted to the Department.
- (12) Pursuant to T.C.A. § 36-5-501(g), you are required to notify the Department when the employee terminates employment or if income payments are terminated and provide this office the last known address of the employee/recipient of income and the name and address of his/her new employer, or new source of income, if known. This Order for Income Assignment is binding upon successive employers fourteen (14) days after it is transmitted to them.
- (13) Priorities for Payments if More Than One Order for Income Assignment Is Received.

If the employer, person, corporation or institution or other payer of income receives more than one (1) Order for Income Assignment against the employee/obligor, priority in deducting income shall be as follows:

- (a) First priority: To all orders for amounts due for current support due a child;
 - (b) Second priority: To all orders for amounts due for arrearages due a child;
 - (c) Third priority: To all orders for amounts due for current support due a spouse;
 - (d) Fourth priority: To all orders for amounts due for arrearages due a spouse; and,
 - (e) Fifth priority: To all statutory fees and court costs.
- (14) You must honor all withholdings to the extent the total amount withheld from wages does not exceed fifty percent (50%) of the employee's wages or a recipient's income after FICA, withholding taxes, and a health insurance premium which covers the child(ren) are deducted.
 - (15) Multiple Income Assignments for One Employee or Recipient of Income.

If you receive any Order for Income Assignment for current child support against the employee's income which would cause the deductions from any two (2) or more assignments for current child support to exceed fifty percent (50%) of the employee's income after FICA, withholding taxes, and a health insurance premium which covers the child (ren) are deducted, the following process shall be utilized:

- (a) Determine the total of all current child support ordered withheld by all Orders for Income Assignment you receive for the employee or recipient of income;
- (b) Then calculate the percentage that each current child support order represents of the total;
- (c) The available income will be allocated by you according to the percentage which each Order for Income Assignment for current child support bears to the total of all Orders for Income Assignment involving this employee or recipient of income for current child support.

(Rule 1240-2-2-.05, continued)

- (d) In the event all current child support obligations are met from the assignments and child support arrearages exist in more than one case and there is not sufficient income to pay all ordered child support arrearages, then the child support arrearages will be allocated by you on the same basis as in steps 1- 3.
- (16) You must provide for each case the following information: docket number, county, state, full ordered amount, the percentage that each current support order represents of the total ordered amounts from all income assignments ordered for this employee or recipient of income, and the date the amount is deducted from the employee's or recipient's income.
- (17) Example of a Proration for Multiple Income Assignment.
 - (a) Assume an employee's net income after taxes, FICA, and a health insurance premium to cover the child (ren) is deducted is \$900. Therefore, the available income for use in the income assignment is only \$450 (50% maximum of the employee's net income).
 - (b) If the employee is ordered to pay \$250.00 per month under support order A; \$200.00 per month for support order B; and \$150.00 per month for support order C; then the total of all income assignments is \$600.00. This total exceeds income available for income assignment [after deduction for taxes, FICA, and health insurance premiums which cover the child (ren)].
 - (c) You will then pay the amount of the available income that each Order for Income Assignment represents as a percentage of the total of all Orders for Income Assignment as follows:
 - 1. Order A = \$250/\$600, or 42%, x \$450 = \$189.00;
 - 2. Order B = \$200/\$600, or 33%, x \$450 = \$148.50;
 - 3. Order C = \$150/\$600, or 25%, x \$450 = \$112.50;
 - (d) If the employee has sufficient available income to satisfy all current child support orders, but not all ordered child support arrearages, you would apply the same proration procedure to the child support arrearage payment as shown above.
- (18) Income assignments for child and/or spousal support have priority over a garnishment order issued by the Social Security Administration.

Authority: T.C.A. §§ 4-5-202, 8-21-403, 36-5-116, 36-5-501, and 71-1-132(c); 42 U.S.C. §§ 651 *et seq.*, 42 U.S.C. §§ 652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii), 654b(a), and 666(a)(8) and (b); 20 C.F.R. § 422.435(e)(2), 45 C.F.R. §§ 303.6(c)(1), 303.7, and 303.100; and United States Department of Health and Human Services Office of Child Support Enforcement Action Transmittal 04-05 (July 15, 2004). **Administrative History:** Original rule filed December 17, 1985; effective January 14, 1986. Amendment filed October 17, 1986; effective January 27, 1987. Amendment filed August 25, 1989; effective October 13, 1989. Repeal and new rule filed December 7, 1994; effective February 20, 1995. Repeal and new rule filed October 14, 1999; effective December 28, 1999. Repeal and new rule filed August 17, 2005; effective October 31, 2005.

1240-2-2-.06 COURT CLERK'S NOTICE TO OBLIGOR OF ISSUANCE OF INCOME ASSIGNMENT DUE TO DELINQUENCY.

- (1) The Notice form in Paragraph (5) shall be used by the Clerk of Court for the purpose of providing notice to an obligor of support in Tennessee that an Order/Notice to Withhold Income for Child Support (Order for Income Assignment) has been issued which will direct the obligor's employer or

(Rule 1240-2-2-.06, continued)

payer of income to withhold income from an obligor of support to meet the child or spousal support obligation.

- (2) This Notice is used:
 - (a) When, pursuant to T.C.A. §36-5-501(b)(1)(B) no Order for Income Assignment had been previously issued for any reason, and where the records of the Clerk or the Department of Human Services show the obligor is currently delinquent;
 - (b) When, pursuant to T.C.A. §36-5-501(b)(1)(D) an Affidavit of Arrearage pursuant to 1240-2-2-.11 to support the issuance of an Order for Income Assignment is filed by the custodial parent, a guardian, or other caretaker to whom child support was previously directed alleging the obligor is now in arrears as defined by T.C.A. §36-5-101(a)(5) and T.C.A. §36-5-501(b)(1)(G); or
- (3) For an Order for Income Assignment, the Federal Order/Notice to Withhold Income for Child Support (Order for Income Assignment) form set forth in 1240-2-2-.04 will be attached to the notice to the obligor in Paragraph (5).
- (4) Appeals.
 - (a) The obligor may contest this Notice of Income Assignment by filing a written request for a hearing with the Clerk's office shown on the Notice within fifteen (15) days of the mailing of the Notice. The grounds for contesting the Notice are that the income withholding is improper due to a mistake of fact, or the amount withheld is improper due to a mistake of fact.
 - (b) If the obligor contests the Notice of Income Assignment within the above time limit, a hearing will be promptly set. The employer will continue to withhold income unless a decision favorable to the obligor is rendered. The obligor and the employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued.
- (5) Form:

STATE OF TENNESSEE
NOTICE OF ISSUANCE OF INCOME ASSIGNMENT DUE TO DELINQUENCY

You are hereby notified pursuant to T.C.A. §36-5-501(b)(2) that due to a delinquency in your child support payments in the amount of \$_____ as of the _____ day of _____, _____, your employer, or other person, corporation, or institution which is a payer of income has been directed, pursuant to Tennessee Code Annotated, §36-5-501, to withhold income payable to you to satisfy your support obligation in the amounts and for the purposes shown in the attached Order/Notice to Withhold Income for Child Support (Order for Income Assignment).

Your total arrearage as of the _____ day of _____, _____, is \$ _____ plus twelve (12%) per annum simple interest.

You may contest this Notice of Income Assignment by filing a written request for a hearing with _____ <Court Clerk's Office> at the address above within fifteen (15) days of the mailing of this notice as noted above. The grounds for contesting the Notice are that the income withholding is improper due to a mistake of fact, or the amount withheld is improper due to a mistake of fact.

If you contest this Notice of Income Assignment within the above time limit, a hearing will be promptly set. Your employer will continue to withhold income unless a decision favorable to you is rendered. You and your employer

(Rule 1240-2-2-.06, continued)

will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued.

It is your responsibility to keep the Court Clerk/and the Local Child Support Office informed of the name and address of your current employer, whether you have access to health insurance coverage, and if so, the health insurance policy information. You must also immediately notify the Court Clerk/and the Local Child Support Office of any changes in, or any additional employment, including the name and address of the new employer. Your new employer will be notified of the Order for Income Assignment.

An Order for Income Assignment shall be mandatory as long as current support or arrearages are still owed.

Clerks of court are authorized to issue an Order for Income Assignment to the employer or payer of income of the obligor and to institute the process to assign income when the obligor fails to pay court costs, but shall not have priority over the Order for Income Assignment for child or spousal support.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this NOTICE OF ISSUANCE OF INCOME ASSIGNMENT DUE TO DELINQUENCY was served on the Respondent by delivering to him/her by <certified mail, return receipt requested; registered mail; electronic mail; facsimile; personal service> on this the _____ day of _____, _____.

<Court Clerk>

Authority: T.C.A. §§ 4-5-202, 8-21-403, 36-5-116, 36-5-501, and 71-1-132(c); 42 U.S.C. §§ 651 *et seq.*, 42 U.S.C. §§ 652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii), 654b(a), and 666(a)(8) and (b); 45 C.F.R. §§ 303.6(c)(1), 303.7, and 303.100; and United States Department of Health and Human Services Office of Child Support Enforcement Action Transmittal 04-05 (July 15, 2004). **Administrative History:** Original rule filed October 14, 1999; effective December 28, 1999. Amendment filed August 17, 2005; effective October 31, 2005.

1240-2-2-.07 DEPARTMENT NOTICE TO OBLIGOR OF ISSUANCE OF INCOME ASSIGNMENT.

- (1) The Notice form in Paragraph (5) shall be used by the Department of Human Services or its contractors which establish or enforce support under Title IV-D of the Social Security Act for the purpose of providing notice to an obligor of support in Tennessee that an initial Order/Notice to Withhold Income for Child Support (Order for Income Assignment) has been issued which will direct the obligor's employer or payer of income to withhold income from an obligor of support to meet the child or spousal support obligation.
- (2) For an initial Order for Income Assignment, the Federal Order/Notice to Withhold Income or Child Support (Order for Income Assignment) form set forth in 1240-2-2-.04 will be attached to the Notice form in Paragraph (5).
- (3) The Department may combine the language in this form with language of the notices issued by the Department described in this Chapter to provide notice of various actions taken by the court or actions taken administratively by the Department, and the form may be modified and transmitted by the TCSES system to contain, as may be applicable, combinations of the language in any of those notices on one form.
- (4) Appeals.
 - (a) The obligor may contest this Notice of Income Assignment by filing a written request for an administrative hearing with the local child support office shown on the Notice within fifteen

(Rule 1240-2-2-.07, continued)

(15) days of the mailing of the Notice. The grounds for contesting the Notice are that the income withholding is improper due to a mistake of fact, or the amount withheld is improper due to a mistake of fact.

- (b) If the obligor contests the Notice of Income Assignment within the above time limit, a hearing will be promptly set. The employer will continue to withhold income unless a decision favorable to the obligor is rendered. The obligor and the employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, the obligor has a right to further appeal the decision as described in the Department's hearing order following the decision.

(5) Form:

STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES
NOTICE OF ISSUANCE OF INCOME ASSIGNMENT

TO: _____<OBLIGOR>

_____<ADDRESS>

FROM: _____<LOCAL CHILD SUPPORT OFFICE >

_____<ADDRESS>
_____<TELEPHONE NUMBER>

MAILING DATE OF NOTICE: _____

Pursuant to a court order, statutory requirements directing payment by Order/Notice to Withhold Income for Child Support (Order for Income Assignment), or administrative actions by the Department of Human Services, you have been ordered to pay your child support obligation by means of an income assignment. This is to notify you that your employer, or other person, corporation, or institution which is a payer of income has been directed, pursuant to Tennessee Code Annotated, §36-5-501, to withhold income payable to you to satisfy your support obligation in the amounts and for the purposes shown in the attached Order/Notice to Withhold Income for Child Support (Order for Income Assignment).

You may contest this Notice of Income Assignment by filing a written request for an administrative hearing with the Local Child Support Office at the address above within fifteen (15) days of the mailing of this notice as noted above. The grounds for contesting the Notice are that the income withholding is improper due to a mistake of fact, or the amount withheld is improper due to a mistake of fact.

If you contest this Notice of Income Assignment within the above time limit, a hearing will be promptly set. Your employer will continue to withhold income unless a decision favorable to you is rendered. You and your employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, you have a right to further appeal the decision as described in the Department's hearing order following the decision.

It is your responsibility to keep the Court Clerk and the Local Child Support Office informed of the name and address of your current employer, whether you have access to health insurance coverage, and if so, the health insurance policy information. You must also immediately notify the Court Clerk and the Local Child Support Office of any changes in, or any additional employment, including the name and address of the new employer. Your new employer will be notified of the Order for Income Assignment.

(Rule 1240-2-2-.07, continued)

An Order for Income Assignment shall be mandatory as long as current support or arrearages are still owed.

Clerks of court are authorized to issue an Order for Income Assignment to the employer or payer of income of the obligor and to institute the process to assign income when the obligor fails to pay court costs, but shall not have priority over the Order for Income Assignment for child or spousal support.

Authority: T.C.A. §§ 4-5-202, 8-21-403, 36-5-116, 36-5-501, and 71-1-132(c); 42 U.S.C. §§ 651 *et seq.*, 42 U.S.C. §§ 652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii), 654b(a), and 666(a)(8) and (b); 45 C.F.R. §§ 303.6(c)(1), 303.7, and 303.100; and United States Department of Health and Human Services Office of Child Support Enforcement Action Transmittal 04-05 (July 15, 2004). **Administrative History:** Original rule filed October 14, 1999; effective December 28, 1999. Amendment filed August 17, 2005; effective October 31, 2005.

1240-2-2-.08 DEPARTMENT NOTICE TO OBLIGOR OF ISSUANCE OF INCOME ASSIGNMENT DUE TO DELINQUENCY.

- (1) The Notice form in Paragraph (6) shall be used by the Department of Human Services or its contractor which establish or enforce support under Title IV-D of the Social Security Act for the purpose of providing notice to an obligor of support in Tennessee that an Order/Notice to Withhold Income for Child Support (Order for Income Assignment) has been issued which will direct the obligor's employer or payer of income to withhold income from an obligor of support to meet the child or spousal support obligation.
- (2) This Notice is used:
 - (a) When, pursuant to T.C.A. § 36-5-501(b)(1)(B) no Order for Income Assignment had been previously issued for any reason, and where the records of the Clerk or the Department of Human Services show the obligor is currently delinquent;
 - (b) When, pursuant to T.C.A. §36-5-501(b)(1)(D) an Affidavit of Arrearage pursuant to 1240-2-2-.11 to support the issuance of an Order for Income Assignment is filed by the custodial parent, a guardian, or other caretaker to whom child support was previously paid directly by the obligor alleging the obligor is now in arrears as defined by T.C.A. §36-5-101(a)(5) and T.C.A. §36-5-501(b)(1)(G); or
 - (c) When an obligor fails to pay the ordered support by the due date.
- (3) The Federal Order/Notice to Withhold Income for Child Support (Order for Income Assignment) form set forth in 1240-2-2-.04 will be attached to the Notice form in Paragraph (6).
- (4) The Department may combine the language in this form with language of the notices issued by the Department described in this Chapter to provide notice of various actions taken by the court or actions taken administratively by the Department, and the form may be modified and transmitted by the TCSES system to contain, as may be applicable, combinations of the language in any of those notices on one form.
- (5) Appeals.
 - (a) The obligor may contest this Notice of Income Assignment by filing a written request for an administrative hearing with the local child support office shown on the Notice within fifteen (15) days of the mailing of the Notice. The grounds for contesting the Notice are limited to a determination of the correct identity of the person(s) or entity(ies) to whom or to which the administrative action is directed, to whether there is a mistake of fact involving the action, and:
 1. A determination of the amount of arrearage;

(Rule 1240-2-2-.08, continued)

2. Whether the amount of payments on the arrearage, if the amount of payments were not previously ordered by the court, is reasonable as to the amount to be paid and the time over which the obligation is to be paid; and
 3. Whether the withholding of income was otherwise appropriate pursuant to the conditions of T.C.A. §36-5-501.
- (b) If the obligor contests the Notice of Income Assignment within the above time limit, a hearing will be promptly set. The employer will continue to withhold income unless a decision favorable to the obligor is rendered. The obligor and the employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, the obligor has a right to further appeal the decision as described in the Department's hearing order following the decision.
- (6) Form:

STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES
NOTICE OF ISSUANCE OF INCOME ASSIGNMENT DUE TO DELINQUENCY

You are hereby notified that due to a delinquency in your child support payments in the amount of \$_____ as of the ____ day of _____, _____, or due to your failure to pay your obligation on the date ordered, your employer, or other person, corporation, or institution which is a payer of income has been directed, pursuant to Tennessee Code Annotated, § 36-5-501, to withhold income payable to you to satisfy your support obligation in the amounts and for the purposes shown in the attached Order/Notice to Withhold Income for Child Support (Order for Income Assignment).

Your total arrearage as of the ____ day of _____, _____, is \$ _____ plus twelve (12%) per annum simple interest.

You may contest this Notice of Income Assignment by filing a written request for an administrative hearing with the Local Child Support Office at the address above within fifteen (15) days of the mailing of this notice as noted above. The grounds for contesting the Notice are limited to a determination of the correct identity of the person(s) or entity(ies) to whom or to which the administrative action is directed, to whether there is a mistake of fact involving the action, and:

1. A determination of the amount of arrearage;
2. Whether the amount of payments on the arrearage, if the amount of payments were not previously ordered by the court, is reasonable as to the amount to be paid and the time over which the obligation is to be paid; and
3. Whether the withholding of income was otherwise appropriate pursuant to the conditions of T.C.A. §36-5-501.

If you contest this Notice of Income Assignment within the above time limit, a hearing will be promptly set. Your employer will continue to withhold income unless a decision favorable to you is rendered. You and your employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, you have a right to further appeal the decision as described in the Department's hearing order following the decision.

(Rule 1240-2-2-.08, continued)

It is your responsibility to keep the Court Clerk and the Local Child Support Office informed of the name and address of your current employer, whether you have access to health insurance coverage, and if so, the health insurance policy information. You must also immediately notify the Court Clerk and the Local Child Support Office of any changes in, or any additional employment, including the name and address of the new employer. Your new employer will be notified of the Order for Income Assignment.

An Order for Income Assignment shall be mandatory as long as current support or arrearages are still owed.

Clerks of court are authorized to issue an Order for Income Assignment to the employer or payer of income of the obligor and to institute the process to assign income when the obligor fails to pay court costs, but shall not have priority over the Order for Income Assignment for child or spousal support.

Authority: T.C.A. §§ 4-5-202, 8-21-403, 36-5-116, 36-5-501, 36-5-1002, and 71-1-132(c); 42 U.S.C. §§ 651 *et seq.*, 42 U.S.C. §§ 652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii), 654b(a), and 666(a)(8) and (b); 45 C.F.R. §§ 303.6(c)(1), 303.7, and 303.100; and United States Department of Health and Human Services Office of Child Support Enforcement Action Transmittal 04-05 (July 15, 2004). **Administrative History:** Original rule filed October 14, 1999; effective December 28, 1999. Amendment filed August 17, 2005; effective October 31, 2005.

1240-2-2-.09 DEPARTMENT NOTICE TO OBLIGOR OF INCREASE IN INCOME ASSIGNMENT TO ADMINISTRATIVELY REDUCE ARREARS.

- (1) The Notice form in Paragraph (5) shall be used by the Department of Human Services or its contractors which establish or enforce support under Title IV-D of the Social Security Act for the purpose of providing notice to an obligor of support in Tennessee that, due to an accumulated arrears balance in the support payments, an increase in the amount of support has been directed by the Department pursuant to T.C.A. §36-5-501(b)(1)(B)-(E) to reduce the accumulated arrears balance by a reasonable amount within a reasonable timeframe, and a modification has been made to the previously issued Order/Notice to Withhold Income for Child Support (Order for Income Assignment) which will direct the obligor's employer or payer of income to withhold additional income from an obligor of support to meet the child or spousal support obligation.
- (2) The form set forth in 1240-2-2-.04 will be attached to the Notice form in Paragraph (5).
- (3) The Department may combine the language in this form with language of the notices issued by the Department described in this Chapter to provide notice of various actions taken by the court or actions taken administratively by the Department, and the form may be modified and transmitted by the TCSES system to contain, as may be applicable, combinations of the language in any of those notices on one form.
- (4) Appeals.
 - (a) The obligor may contest this Notice of Increase in Income Assignment by filing a written request for an administrative hearing with the local child support office shown on the Notice within fifteen (15) days of the mailing of the Notice. The grounds for contesting the Notice are limited to a determination of the correct identity of the person(s) or entity(ies) to whom or to which the administrative action is directed, to whether there is a mistake of fact involving the action, and:
 1. A determination of the amount of arrearage;
 2. Whether the amount of payments on the arrearage, if the amount of payments were not previously ordered by the court, is reasonable as to the amount to be paid and the time over which the obligation is to be paid; and

(Rule 1240-2-2-.09, continued)

3. Whether the withholding of income was otherwise appropriate pursuant to the conditions of T.C.A. §36-5-501.

- (b) If the obligor contests the Notice of Income Assignment within the above time limit, a hearing will be promptly set. The employer will continue to withhold income unless a decision favorable to the obligor is rendered. The obligor and the employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, the obligor has a right to further appeal the decision as described in the Department's hearing order following the decision.

(5) Form:

STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES
NOTICE OF INCREASE IN INCOME ASSIGNMENT TO ADMINISTRATIVELY REDUCE ARREARS

TO: _____ <OBLIGOR>
 _____ <ADDRESS>

FROM: _____ <LOCAL CHILD SUPPORT OFFICE >
 _____ <ADDRESS>
 _____ <TELEPHONE NUMBER>

MAILING DATE OF NOTICE: _____

Our records indicate that you are delinquent on your child support or spousal payments of at least \$_____ as of _____ <Date>.

Pursuant to Tennessee Code Annotated, §36-5-501(b)(1)(B)-(E), you are hereby notified that, in addition to all sums you are currently paying by previously ordered income assignments, \$_____ per _____ has been added to reduce the aforementioned delinquency. The amount set forth above has been determined to be a reasonable amount which will reduce the delinquency in a reasonable amount of time.

You may contest this Notice of Income Assignment by filing a written request for an administrative hearing with the Local Child Support Office at the address above within fifteen (15) days of the mailing of this notice as noted above. The grounds for contesting the Notice are limited to a determination of the correct identity of the person(s) or entity(ies) to whom or to which the administrative action is directed, to whether there is a mistake of fact involving the action, and:

1. A determination of the amount of arrearage;
2. Whether the amount of payments on the arrearage, if the amount of payments were not previously ordered by the court, is reasonable as to the amount to be paid and the time over which the obligation is to be paid; and
3. Whether the withholding of income was otherwise appropriate pursuant to the conditions of T.C.A. §36-5-501.

If you contest this Notice of Income Assignment within the above time limit, a hearing will be promptly set. Your employer will continue to withhold income unless a decision favorable to you is rendered. You and your employer

(Rule 1240-2-2-.09, continued)

will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, you have a right to further appeal the decision as described in the Department's hearing order following the decision.

It is your responsibility to keep the Court Clerk and the Local Child Support Office informed of the name and address of your current employer, whether you have access to health insurance coverage, and, if so, the health insurance policy information. You must also immediately notify the Court Clerk and the Local Child Support Office of any changes in, or any additional employment, including the name and address of the new employer. Your new employer will be notified of the Order for Income Assignment.

An Order for Income Assignment shall be mandatory as long as current support or arrearages are still owed.

Clerks of court are authorized to issue an Order for Income Assignment to the employer or payer of income of the obligor and to institute the process to assign income when the obligor fails to pay court costs, but shall not have priority over the Order for Income Assignment for child or spousal support.

Authority: T.C.A. §§ 4-5-202, 8-21-403, 36-5-116, 36-5-501, 36-5-1002, and 71-1-132(c); 42 U.S.C. §§ 651 *et seq.*, 42 U.S.C. §§ 652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii), 654b(a), and 666(a)(8) and (b); 45 C.F.R. §§ 303.6(c)(1), 303.7, and 303.100; and United States Department of Health and Human Services Office of Child Support Enforcement Action Transmittal 04-05 (July 15, 2004). **Administrative History:** Original rule filed October 14, 1999; effective December 28, 1999. Amendment filed August 17, 2005; effective October 31, 2005.

1240-2-2-.10 DEPARTMENT NOTICE OF ENROLLMENT IN HEALTH CARE COVERAGE.

- (1) The Notice form in Paragraph (4) shall be used by the Department of Human Services or its contractors which establish or enforce support under Title IV-D of the Social Security Act for the purpose of providing notice to an obligor of support in Tennessee, as directed on the Modified Order/Notice to Withhold Income for Child Support (Order for Income Assignment), that, following a change of employers by the obligor, the obligor's employer has been directed to enroll the obligor's child(ren) who are subject to the court order for support in health care coverage provided by the obligor's employer.
- (2) For a modification of a previous Order/Notice to Withhold Income for Child Support (Order for Income Assignment) which now includes a notice of enrollment in health care, the form set forth in 1240-2-2-.4, with the appropriate Departmental notice to the employer of enrollment of the obligor's child(ren) checked on page 1 of the form will be attached to the Notice form in Paragraph (4).
- (3) The Department may combine the language in this form with language of the notices issued by the Department described in this Chapter to provide notice of various actions taken by the court or actions taken administratively by the Department, and the form may be modified and transmitted by the TCSES system to contain, as may be applicable, combinations of the language in any of those notices on one form.

(Rule 1240-2-2-.10, continued)

(4) Form:

STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES
NOTICE OF ENROLLMENT OF CHILDREN IN HEALTH CARE COVERAGE

Pursuant to T.C.A. §36-5-101(f) and the attached Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment, Income Assignment Order, Income Assignment or Assignment), your employer has been directed, to enroll the following child(ren) in your family healthcare plan offered by your employer:

_____	DOB _____	SSN: _____
_____	DOB _____	SSN: _____
_____	DOB _____	SSN: _____
_____	DOB _____	SSN: _____

You may contest this Notice of Enrollment by filing a written request for an administrative hearing with the child support office shown above within fifteen (15) calendar days of the mailing date of this Notice and by filing a copy of your written appeal request with your employer within the same timeframe. If you do not file the request with your employer, the above-named child(ren) will be enrolled in any family healthcare coverage available to you through your employer even if your appeal is timely filed with the local child support office. The grounds for contesting the enrollment are limited to a mistake of identity or fact involving the action and the reasonableness of the cost of the insurance.

If you contest this Notice of Enrollment within the above time limit, a hearing will be promptly set. If you fail to timely file a copy of your appeal of the Notice of Enrollment for health insurance coverage, your employer will enroll and continue the health care coverage for your child(ren) pending the appeal decision. You and your employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment), and the Notice or Enrollment contained on that form, was issued. If an unfavorable decision is rendered, you have a right to further appeal the decision as described in the Department's hearing order following the decision.

It is your responsibility to keep the Court Clerk and the Local Child Support Office informed of the name and address of your current employer, whether you have access to health insurance coverage, and if so, the health insurance policy information. You must also immediately notify the Court Clerk and the Local Child Support Office of any changes in, or any additional employment, including the name and address of the new employer. Your new employer will be notified of the Order for Income Assignment.

Authority: T.C.A. §§ 4-5-202, 8-21-403, 36-5-101(f), 36-5-116, 36-5-501, 36-5-1002, and 71-1-132(c); 42 U.S.C. §§ 651 et seq., 42 U.S.C §§ 652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii), 654b(a), and 666(a)(8) and (b); 45 C.F.R. §§ 303.6(c)(1), 303.7, and 303.100; and United States Department of Health and Human Services Office of Child Support Enforcement Action Transmittal 04-05 (July 15, 2004). **Administrative History:** Original rule filed October 14, 1999; effective December 28, 1999. Amendment filed August 17, 2005; effective October 31, 2005.

1240-2-2-.11 AFFIDAVIT OF ARREARAGE.

- (1) The Affidavit form in Paragraph (2) shall be completed by the custodial parent, the guardian, or other caretaker of the child and shall be used by the Clerk of the Court or by the Department of Human Services or its contractor for the purpose of supporting the issuance of an Order/Notice to Withhold Income for Child Support (Order for Income Assignment) pursuant to Rule 1240-2-2-.04. It will only be used in conjunction with the request of a custodial parent, a guardian, or other caretaker to whom child or spousal support was previously paid directly, because no Order for Income Assignment had been issued, for any reason, when the obligor of support is now alleged to be in arrears in the affidavit filed by the custodial parent, the guardian, or other caretaker of the child.

(Rule 1240-2-2-.11, continued)

(2) Form:

STATE OF TENNESSEE

STATE OF TENNESSEE

COUNTY OF _____

AFFIDAVIT OF ARREARAGE

First being duly sworn, affiant would state:

I am _____, <Custodial Parent/Guardian/Caretaker of the Child>.

I do hereby swear or affirm that to the best of my knowledge, information and belief, as of _____ <Date>, the Respondent, _____, is in arrears for support in the total amount of \$ _____, which was calculated as follows:

Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____

Name-Please Print

Signature

Date

Further affiant sayeth not.

Sworn to and subscribed before me this _____ day of _____, _____.

Notary Public/Court Clerk

My commission expires: _____

Authority: T.C.A. §§4-5-202, 36-5-501, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100. **Administrative History:** Original rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.12 MODIFIED ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT (ORDER FOR INCOME ASSIGNMENT).

- (1) For a modification of the amount of a previous Order/Notice to Withhold Income for Child Support (Order for Income Assignment), the Notice form in Paragraph (3) will be attached, by the Department of Human Services or its contractors enforcing child support under Title IV-D, to the modified Order.

(Rule 1240-2-2-.12, continued)

(2) Appeals.

- (a) The obligor may contest this Notice of Income Assignment by filing a written request for an administrative hearing with the local child support office shown on the Notice within fifteen (15) days of the mailing of the Notice. The grounds for contesting the Notice are that the income withholding is improper due to a mistake of fact, or the amount withheld is improper due to a mistake of fact.
- (b) If the obligor contests the Notice of Income Assignment within the above time limit, a hearing will be promptly set. The employer will continue to withhold income unless a decision favorable to the obligor is rendered. The obligor and the employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, the obligor has a right to further appeal the decision as described in the Department's hearing order following the decision.

(3) Form:

STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES
NOTICE OF MODIFICATION OF INCOME ASSIGNMENT

TO: _____ <OBLIGOR>
 _____ <ADDRESS>

FROM: _____ <LOCAL CHILD SUPPORT OFFICE >
 _____ <ADDRESS>
 _____ <TELEPHONE NUMBER>

MAILING DATE OF NOTICE: _____

Pursuant to a court order, statutory requirements directing payment by Order/Notice to Withhold Income for Child Support (Order for Income Assignment), or administrative actions by the Department of Human Services, you have been ordered to pay your child support obligation by means of an income assignment. This is to notify you that the original Order/Notice to Withhold Income for Child Support (Order for Income Assignment) has been modified and that your employer, or other person, corporation, or institution which is a payer of income has been directed, pursuant to Tennessee Code Annotated, §36-5-501, to withhold a greater or lesser amount of income payable to you to satisfy your support obligation.

Your income assignment has been modified in the following manner:

(Rule 1240-2-2-.12, continued)

You may contest this Notice of Modification Income Assignment by filing a written request for an administrative hearing with the Local Child Support Office at the address above within fifteen (15) days of the mailing of this notice as noted above. The grounds for contesting the Notice are that the income withholding is improper due to a mistake of fact, or the amount withheld is improper due to a mistake of fact.

If you contest this Notice of Income Assignment within the above time limit, a hearing will be promptly set. Your employer will continue to withhold income unless a decision favorable to you is rendered. You and your employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, you have a right to further appeal the decision as described in the Department's hearing order following the decision.

It is your responsibility to keep the Court Clerk and the Local Child Support Office informed of the name and address of your current employer, whether you have access to health insurance coverage, and if so, the health insurance policy information. You must also immediately notify the Court Clerk and the Local Child Support Office of any changes in, or any additional employment, including the name and address of the new employer. Your new employer will be notified of the Order for Income Assignment.

An Order for Income Assignment shall be mandatory as long as current support or arrearages are still owed.

Clerks of court are authorized to issue an Order for Income Assignment to the employer or payer of income of the obligor and to institute the process to assign income when the obligor fails to pay court costs, but shall not have priority over the Order for Income Assignment for child or spousal support.

Authority: T.C.A. §§ 4-5-202, 8-21-403, 36-5-116, 36-5-501, and 71-1-132(c); 42 U.S.C. §§ 651 *et seq.*, 42 U.S.C. §§ 652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii), 654b(a), and 666(a)(8) and (b); 45 C.F.R. §§ 303.6(c)(1), 303.7, and 303.100; and United States Department of Health and Human Services Office of Child Support Enforcement Action Transmittal 04-05 (July 15, 2004). **Administrative History:** Original rule filed October 14, 1999; effective December 28, 1999. Public necessity rule filed May 20, 2005; effective through November 1, 2005. Amendments filed August 17, 2005; effective October 31, 2005.

1240-2-2-.13 NOTICES TO AND APPEALS BY OBLIGORS OF OUT-OF-STATE EMPLOYERS/PAYERS OF INCOME.

- (1) In any circumstances in this Chapter in which the Clerk or the Department is required to send a Notice to the obligor, the information described in the Notice in Paragraph (3) shall be included in the Notice, or it shall be attached as a separate notice to any Notice required to be sent by this Chapter to inform the obligor of the obligor's appeal rights.
- (2) An obligor whose out-of-state employer or payer of income is sent any Order/Notice to Withhold Income for Child Support (Order for Income Assignment) Order established by this Chapter may appeal the Order pursuant to the provisions of Section 506 of the Uniform Interstate Family Support Act (UIFSA)[codified in Tennessee at Tennessee Code Annotated (T.C.A.) §36-5-2506].
- (3) Form:

(Rule 1240-2-2-.13, continued)

STATE OF TENNESSEE
NOTICE OF APPEAL RIGHTS FOR OBLIGORS
OF OUT-OF-STATE EMPLOYER/PAYERS OF INCOME

As an obligor of child or spousal support whose employer or payer of income in a state other than Tennessee receives either the attached initial Order/Notice to Withhold Income for Child Support (Order for Income Assignment) or the attached modified Order/Notice to Withhold Income for Child Support (Order for Income Assignment) from the State of Tennessee, you may appeal the issuance of the Order pursuant to the provisions of Section 506 of the Uniform Interstate Family Support Act (UIFSA)[codified in Tennessee at T.C.A. §36-5-2506].

These provisions are as follows:

1. An obligor may contest the validity or enforcement of an income-withholding order issued in Tennessee and received directly by your employer in this state in the same manner as if the order had been issued by a tribunal of the state of your employer or payer or income [UIFSA Section 604] [T.C.A. §36-5-2604] (Choice of Law) applies to the contest.
2. The obligor shall give notice of the contest to:
 - (a) The Tennessee child support office noted in the attached Order;
 - (b) Your employer or payer of income named in the attached Order that has received an income withholding order; and
 - (c) The person [the caretaker of the child] or agency [the Tennessee Court or Tennessee Child Support office] designated to receive payments in the income-withholding order or if no person or agency is designated, to the person who is the recipient of the support.
3. Section 604 of UIFSA [T.C.A. §36-5-2604] provides that:
 - (a) The law of Tennessee governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.
 - (b) In a proceeding for arrearages before a Tennessee tribunal, Tennessee's statute of limitations governs. Effective July 1, 1997, there is no statute of limitations for child support obligations in Tennessee, meaning that support can be collected at any time and can always be collected until the support obligation is satisfied.

Authority: T.C.A. §§ 4-5-202, 8-21-403, 28-3-110, 36-2-321, 36-5-103, 36-5-116, 36-5-501, 36-5-2506, 36-5-2604, and 71-1-132(c); 42 U.S.C. §§ 651 *et seq.*, 42 U.S.C §§ 652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii), 654b(a), and 666(a)(8) and (b); and 45 C.F.R. §§ 303.6(c)(1), 303.7, and 303.100. **Administrative History:** Original rule filed October 14, 1999; effective December 28, 1999. Amendment filed August 17, 2005; effective October 31, 2005.